

On March 23, 2021, Governor Ralph Northam signed [Executive Order 77](#), aimed at reducing Virginia's reliance on single-use plastics and reducing waste sent to landfills. EO 77 applies to all executive branch state agencies, including state institutions of higher education, and their concessioners.

Are employees at food establishments under permit by the Virginia Department of Health (an operation that stores, prepares, packages, serves, vends food directly to the consumer or otherwise provides food to the public for human consumption, including restaurants and catering operations) located at a state agency or institution of higher education required to use cups that are lidded and have straws when drinking in designated areas of the facility where there is exposed food, clean equipment, utensils, and linens; unwrapped single-service and single-use articles?

Yes, per the Board of Health Food Regulations Section 220 ([12VAC5-421-220](#)), employees "may drink from a closed beverage container if the container is handled to prevent contamination." Reusable, closed bottles are acceptable, as are recyclable or compostable cups with lids that do not require a straw.

Are employees at food establishments (an operation that stores, prepares, packages, serves, vends food directly to the consumer or otherwise provides food to the public for human consumption, including restaurants and catering operations) operated at a state agency or institution of higher education required by the Virginia Department of Health (VDH) to use cups that are lidded and have straws if they want a drink?

Per VDH regulation ([12VAC5-421-220](#)), employees "may drink from a closed beverage container if the container is handled to prevent contamination." Reusable, closed bottles are acceptable, as are recyclable or compostable cups with lids that do not require a straw,

Are plastic garbage can liners required to be used by food establishments under permit by VDH?

No, plastic liners are permitted, but not required by Board of Health Food Regulations Section 2620. ([12VAC5-421-2620](#)), "receptacles and waste handling units for refuse, recyclables, and returnables and for use with materials containing food residue shall be durable, cleanable, insect- and rodent-resistant, leakproof, and nonabsorbent. Plastic bags and wet strength bags may be used to line receptacles for storage inside the food establishment, or within closed outside receptacles."

Hotels operated by state agencies or institutions typically provide guest drinking cups or glasses. What are the health regulations associated with them?

Single-use plastic cups in hotels are not required by regulation. VDH regulations ([12VAC5-431-440.B](#)) state that reusable glassware may be used, but must be properly washed, rinsed and sanitized. The glassware must be stored in a clean site and a single-service cover (typically paper that can be recycled) should be placed on the opening of the glassware prior to its removal from the cleaning site.

What about plastic liners used in ice buckets at hotels operated by state agencies or institutions?

Plastic liners are not required. The Virginia Department of Health Sanitary Regulations for Hotels provide ([12VAC5-431-440.E](#)), a food grade liner (which would be plastic) **may** be used; however a lidded ice bucket properly washed, rinsed and sanitized can be used with no liner.

Are gloves required for handling food?

No, gloves are permitted as one means to meet the Board of Health Food Regulations requirement that food employees avoid bare hand contact with ready-to-eat food ([12VAC5-421-450](#)). Note: Gloves that are collected and recycled would be an acceptable alternative per EO 77. Reusable options include utensils, such as spatulas or tongs and other serving utensils.

Does the cessation of use of disposable bags include bags used to store food items in order to avoid damage or contamination?

No, bags used to store ice cream, meat, fish, poultry, produce, unwrapped bulk food items, or perishable food items in order to avoid damage or contamination are not included in the cessation of use. Agencies are encouraged to review practices to determine when reusable food storage containers could replace single-use disposable storage.